

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MYRON WARD,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION NO. 04-11 Erie
v.	)	
	)	JUDGE McLAUGHLIN
JOHN J. LAMANNA, et al.,	)	MAGISTRATE JUDGE BAXTER
	)	
Defendants.	)	<i>(Electronic Filing)</i>

**DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S SECOND AMENDED  
COMPLAINT OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT**

AND NOW, come Defendants, John J. LaManna, Debora Forsyth, Martin Sapko, Stephen Housler, Ned Watson, and the United States of America (hereinafter "Defendants"), by their attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Christy Criswell Wiegand, Assistant United States Attorney for said district, and pursuant to Rule 12 (b)(1) and (6) of the Federal Rules of Civil Procedure, respectfully move the Court to issue an Order dismissing the Second Amended Complaint filed by Plaintiff, Myron Ward, on the ground that Plaintiff has failed to state a claim upon which relief may be granted.

Alternatively, pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendants move the Court to enter summary judgment in favor of Defendants, upon the ground that there is no genuine issue as to any material fact and the Defendants are entitled to judgment as a matter of law.

A Brief in support of this Motion, together with relevant exhibits, is being filed simultaneously herewith and the contents therein are hereby incorporated by reference.

WHEREFORE, Defendants respectfully request that the Court issue an Order dismissing the Second Amended Complaint of Plaintiff, Myron Ward, with prejudice, or in the alternative, granting summary judgment in favor of Defendants and against Plaintiff.

Respectfully submitted,

MARY BETH BUCHANAN  
United States Attorney

/s/ Christy Criswell Wiegand  
CHRISTY CRISWELL WIEGAND  
Assistant U.S. Attorney  
Western District of PA  
U.S. Post Office & Courthouse  
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Counsel for Defendants

OF COUNSEL:

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Assistant General Counsel  
Federal Prison Industries (UNICOR)  
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Washington, DC 20534

**CERTIFICATE OF SERVICE**

I hereby certify that I have served this date a copy of the within **DEFENDANTS'**  
**MOTION TO DISMISS PLAINTIFF'S SECOND AMENDED COMPLAINT OR, IN THE**  
**ALTERNATIVE, FOR SUMMARY JUDGMENT** by either electronic filing and/or first-class  
United States mail, upon the following:

Richard A. Lanzillo, Esquire  
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120 West Tenth Street  
Erie, PA 16501

**Counsel for Plaintiff**

/s/ Christy Criswell Wiegand  
CHRISTY CRISWELL WIEGAND  
Assistant U.S. Attorney

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Date: February 15, 2006